

IC 13-22-11.5

Chapter 11.5. Secondary Material Exemption

IC 13-22-11.5-1

Construction of chapter

Sec. 1. This chapter may not be construed:

- (1) as allowing a person to exercise less than reasonable precautions in the handling of hazardous secondary materials; or
- (2) to be less stringent than federal law.

As added by P.L.45-1997, SEC.21.

IC 13-22-11.5-2

Secondary material not a solid waste

Sec. 2. A secondary material that is not a solid waste as defined under 40 CFR 261.2(e) or is legitimately utilized in an industrial or manufacturing process, except reclamation, with no significant increase in the threat it poses to health or the environment, is not a solid waste.

As added by P.L.45-1997, SEC.21. Amended by P.L.128-1997, SEC.8.

IC 13-22-11.5-3

Residue of utilization of secondary material not exempt; status determination

Sec. 3. A residue of the utilization of a secondary material that does not itself qualify as an exempt secondary material is subject to a new determination as to its status as a hazardous waste, and, if listed under IC 13-22-2-3(b), does not retain the listing of the secondary material from which it may have been derived.

As added by P.L.45-1997, SEC.21.

IC 13-22-11.5-4

Written recognition of secondary material

Sec. 4. A person may request the commissioner to acknowledge in writing the recognition of a secondary material exemption under this chapter. The commissioner shall respond to the request not later than ninety (90) days after the request is received.

As added by P.L.45-1997, SEC.21.

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Effect of exemption on other exemptions from regulations

Sec. 5. The exemption from regulation provided in this chapter is in addition to any other exemption from regulation as a solid waste provided in rules adopted by the board.

As added by P.L.45-1997, SEC.21. Amended by P.L.2-1998, SEC.53.